

FILED
MAY - 3 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

GLADYS MCCOY APARTMENTS,

Civil Case No. 09-981-PK

Plaintiff,

O R D E R

v.

**STATE FARM FIRE & CASUALTY
COMPANY,**

Defendant.

Dwain M. Clifford
Ball Janik LLP
101 SW Main Street, Suite 1100
Portland, Oregon 97204-3219

Attorney for Plaintiff

Lloyd Bernstein
Brian Hickman
Gordon & Polser, LLC
9755 SW Barns Rd., Suite 650
Portland, Oregon 97225

Attorneys for Defendant

KING, Judge:

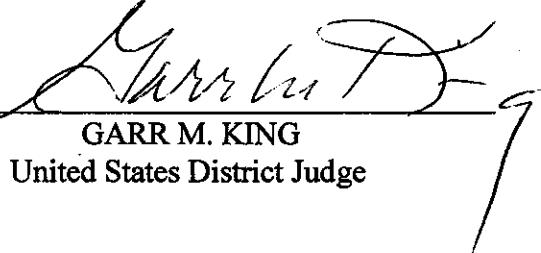
The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on March 30, 2010. Defendant filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Papak.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Papak (#36) dated March 30, 2010 in its entirety.

IT IS HEREBY ORDERED that Plaintiff's Second Motion for Remand (#22) is granted. This case is remanded to the Circuit Court of the State of Oregon for the County of Multnomah.

DATED this 3rd day of May, 2010.


GARR M. KING
United States District Judge